

REMARKS

Claims 1-22 were pending in the application. Claims 16-22 are allowed. Claims 4 and 8-15 have been cancelled. Claims 1 and 5 have been amended. Claims 23-32 have been added. Accordingly, claims 1-3, 5-7, and 16-32 are pending in the application.

The Examiner objected to the specification. Applicant has amended the specification to overcome this objection.

The Examiner objected to the drawings. Applicant has corrected the drawings to overcome this objection.

Claims 4, 5, and 8-15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant appreciates Examiner's consideration of these claims.

35 U.S.C. 102 Rejection

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Takano et al. (U.S. Patent # 5,926,456).

Claim 1 has been amended to incorporate the features of claim 4. Applicant submits that the amended independent claim 1 recites a combination of features deemed allowable by the Examiner. In accordance, claim 1 is believed to patentably distinguish over the cited reference.

Claims 2 and 3 depend on claim 1 and are therefore believed to patentably distinguish over the cited reference for at least the reasons given above.

Additionally, Applicant respectfully requests examination of added Claims 23-32.

Claim 23 includes the features of claim 1 and 8. Claim 24 includes the features of claim 1 and 9. Claim 29 includes the features of claim 1 and 14. Claim 30 includes the features of claim 1 and 15. Applicant submits that each of these new independent claims recites a combination of features deemed allowable by the Examiner. In accordance, claims 23, 24, 29, and 30 are believed to patentably distinguish over the cited reference.

Claims 25-28 depend on claim 24 and are therefore believed to patentably distinguish over the cited reference for at least the reasons given above.

Also, Applicant respectfully submits that Takano fails to teach or suggest “in response to detecting the failed link, converting the data packet to a failover data packet at the first node by marking the data packet as a failover packet and recomputing a CRC value” as recited in claim 31. Applicant notes that the highlighted feature of new independent claim 31 shown above is similar to that of claim 4, which was deemed allowable by the Examiner. In accordance, claim 31 is believed to patentably distinguish over the cited reference.

Furthermore, Applicant respectfully submits that Takano fails to teach or suggest “the data packet is converted to a failover data packet in response to detecting a failure in the first link by marking the data packet as a failover packet and recomputing a CRC value, one or more failover route tables for determining an alternative link to transmit the data packet by using a destination node identifier as an index” as recited in claim 32. Applicant notes that the highlighted features of new independent claim 32 shown above are similar to those of claims 4 and 5, which were deemed allowable by the Examiner. In accordance, claim 32 is believed to patentably distinguish over the cited reference.

35 U.S.C. § 103 Rejections

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takano in view of Tachibana et al. (U.S. Patent 5,084,867). Claims 6 and 7 depend on claim 1 and are therefore believed to patentably distinguish over Takano in view of Tachibana for at least the reasons given above.

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited.

If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-96600/BNK.

Respectfully submitted,



B. Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Phone: (512) 853-8800
Date: 5-25-04